

Remarks

Claims 1-8 are pending in the application of which claims 1-8 are rejected. By this paper, Applicant amends claims 2-8; cancels claims 1, and adds new claims 9-16. Applicant respectfully traverses the rejection of claims; however, Applicant amends the claims in order to further prosecution.

Claim Rejections - 35 U.S.C. § 103

Rejection of claims 1 and 4 under § 103(a) over Afanasenko et al. (6,213,922) in view of Averianov et al. (7,041,074) in view of Firer (D457,965)

The Examiner has rejected claims 1 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Afanasenko et al. '922 in view of Averianov et al. '074 in view of Firer '965.

Claim 1 is canceled, and has been cleaned up for language and incorporated into the new claim 9. New claim 9 contains the material of claim 1. Original claim 1 and new claim 9 requires "the step between the hinges on one side of the shoe is less than 10 % of the shoe sole length." The references above, Afanasenko '922, Averianov '074, and Firer '965, do not teach a plurality of fixed adjustment points for the elastic ties to the shoes. Therefore the combination of the references is not obvious and claim 9 is believed to be in condition for allowance.

Claim 4 is amended to depend from claim 9 and is therefore allowable.

Rejection of claims 2 and 3 under § 103(a) over Afanasenko et al. (6,213,922) in view of Averianov et al. (7,041,074) in view of Firer (D457,965) in view of Nafpliotis (6,364,851)

The Examiner has rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Afanasenko et al. '922 in view of Averianov et al. '074 in view of Firer '965 and in view of Nafpliotis (6,364,851).

Claim 2 is amended to depend from claim 9, and is therefore allowable. Additionally, the limitation of the zipper coarse adjustment of claim 2 requires "a coarse individual fitting of the breast and pelvis pads around the user" made through a series of pleats made on the side of both of the pads corresponding to the back and side surfaces of the trunk of the user, the pleats fitted with n zip fasteners (n being not less than 2), which provide $n+1$ standard sizes of the breast and pelvis pad. The zippers are not used for connecting weights as the Examiner seems to state. The zippers are to provide for a coarse size adjustment of the breast pad and pelvis pad by connecting different sets of zippers within the pleat system to allow for a number of set sizes of each pad (see Fig. 2 and 3). Nafpliotis '851 is the only reference that teaches a zipper, and the zipper is provided to close the suit and does not allow for size adjustment. A fine adjustment system, lacing, is provided in Firer '965, but there is no figure that teaches a coarse adjustment such as in claim 2. The references above, Afanasenko '922, Averianov '074, Firer '965, and Nafpliotis '851 do not teach a coarse adjustment system using zippers. Therefore the combination of the references is not obvious and claim 2 is believed to be in condition for allowance.

Claim 3 is amended to depend from claim 9 and is therefore allowable.

Claim 12 is also new and includes some of the limitations of claim 1, and the additional limitations of the zipper coarse adjustment of claim 2. Therefore claim 12 is believed to be in condition for allowance based on the reasoning above for claim 2 with respect to the zipper feature.

Rejection of claims 5-8 under § 103(a) over Afanasenko et al. (6,213,922) in view of Averianov et al. (7,041,074) in view of Firer (D457,965) in view of Nafpliotis (6,364,851) and further in view of Burdenko (5,372,565)

Claims 5-8 are amended to depend from claim 9 and are therefore allowable.

New Claims

New claims 9-16 have been added which are novel and nonobvious over Afanasenko et al. (6,213,922), Averianov et al. (7,041,074), Firer (D457,965), Nafpliotis (6,364,851) and Burdenko (5,372,565). Claims 9 and 12 are independent claims discussed above. Claims 10-11 depend from claim 9, and claims 13-16 depend from claim 12.

Conclusion

In view of the foregoing, Applicant respectfully asserts that the application is in condition for allowance, which allowance is hereby respectfully requested.

The Commissioner is hereby authorized to charge the three month extension of time fee and any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,

ANATOLY IVANOVICH GRIGORIEV

By /John E. Nemazi/
John E. Nemazi
Reg. No. 30,876
Attorney/Agent for Applicant

Date: October 3, 2008

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351